

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 06, 2021

SEAN F. MCAVOY, CLERK

U.S.A. vs. Hammer, Anthony Ray Docket No. 0980 1:20CR02045-SAB-1

Petition for No Action on Conditions of Pretrial Release

COMES NOW, Linda J. Leavitt, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Anthony Ray Hammer, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke, sitting in the court at Yakima, Washington, on the 23rd day of December 2020, under the following conditions:

Special Condition #11: Defendant shall participate in a program of alcohol monitoring. Defendant shall have with him at all times, an alcohol monitoring device under the supervision of United States Probation/Pretrial Services Office. Defendant shall use the device when instructed, up to six times per day. Defendant shall pay all or part of the cost of the program based upon ability to pay as determined by the United States Probation/Pretrial Services Office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Mr. Hammer is alleged to be in violation of his pretrial release conditions by failing to submit to his portable Breathalyzer test as directed on April 4, 2021, during the 2 a.m. and 4 a.m. time frame.

Conditions of pretrial release were reviewed and signed by Mr. Hammer on December 23, 2020, acknowledging an understanding of his requirements to include special condition number 11.

On April 5, 2021, this officer reviewed a report via email from Smart Start, the portable Breathalyzer testing program Mr. Hammer is under, reflecting he failed to submit to his required test as scheduled by 4 a.m. on April 4, 2021. This officer made contact with Mr. Hammer via text message on April 5, 2021, asking why he missed his Breathalyzer test. According to Mr. Hammer, he stated "I don't know what happened, I woke up after 2, it was around 3:45 a.m., I went to the bathroom and took my test and went back to bed." This officer confirmed Mr. Hammer did not submit to his test and sent him a picture of the report. Mr. Hammer did not submit another test until 12:31 p.m. on April 4, 2021; which to his credit, was negative. To be noted, Mr. Hammer requested the testing time frame of 2 a.m. to 4 a.m. as it coincides with his work schedule.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: April 5, 2021

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer


Re: Hammer, Anthony Ray

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THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

M. K. Dink 

Signature of Judicial Officer

4/6/2021

Date